

**GOVERNMENT OF THE DISTRICT OF COLUMBIA
DEPARTMENT OF TRANSPORTATION**



**PUBLIC SPACE COMMITTEE HEARING
MEETING MINUTES**

1100 4th Street SW, 2nd Floor

Thursday, June 28, 2018 at 09:00 AM

** The meeting was called to order at 9:17 am by Chairman Matthew Marcou*

Committee Members: Matthew Marcou, Elliott Garrett, Chris Shaheen, Andrew Wiley, Julia Hudson, Anna Chamberlin

DDOT Staff: Kisha Allen and Michelle Phipps-Evans

9:17 AM - 9:24 AM **Consent Agenda**

The application under the Consent agenda were approved as submitted ***Vote: 4 to 0***

- 1) ANC 1A03 - **3043 15TH STREET NW** - Permittee: Patrick Bloomfield - Owner: PT Blooms LLC Bloomfield - Paving: Driveway(s) New -Residential # 301647
- 2) ANC 1B12 - **1925 14TH STREET NW** - Permittee: Sarah Moore - Owner: - Fixture: Bench(es) # 301816
- 3) ANC 6A06 - **1402 H STREET NE** - Permittee: Mehari Sequar - Owner: 14&H LLC 14&H LLC - Fixture: Street Fixture or Furniture (Exception) # 299727
- 4) ANC 3D05 - **4885 MACARTHUR BOULEVARD NW** - New Sidewalk Cafe Un-Enclosed - Permittee: Barbara Black - Barbara Black # 10575113
- 5) ANC 2F05 - **1025 VERMONT AVENUE NW** - New Sidewalk Cafe Un-Enclosed - Permittee: Naan and Beyond - # 10575482
- 6) ANC 2B07 - **1330 CONNECTICUT AVENUE NW** - New Sidewalk Cafe Un-Enclosed - Permittee: James Hilson - James Hilson # 10599862
- 7) ANC 5E07 - **1837 1ST STREET NW** - New Sidewalk Cafe Un-Enclosed - Permittee: Gabriel Neri - Gabriel Neri # 10601013
- 8) ANC 2E01 - **3800 RESERVOIR ROAD NW** - Permittee: MedStar Georgetown - Owner: MedStar Georgetown - Fixture: Hand Rail (36" high for ADA, 30"-42" high other), Mutlispase Meter, Retaining Wall to 42", Sign (w/footings)(Exception), Street Fixture or Furniture (Exception), Traffic Signal Installation, Trash Receptacle(s) (Exception), Landscaping: New Tree Space(s), Over Head Work: Streetlight(s) Installation, Paving: ADA Curb Ramp, Curb & Gutter(s), Leadwalk w/Steps, Roadway(s), Sidewalk(s) # 300201
- 9) ANC 2C01 - **617 H STREET NW** - Permittee: MR H Street Land LLC - Owner: MR H Street Land LLC - Fixture: Bike Rack(s): DDOT Standard, Paving: Curb & Gutter(s), Driveway(s) Close Existing, Sidewalk(s), Projections: Canopy # 301276
- 10) ANC 3E03 - **4200 DAVENPORT STREET NW** - Permittee: Andrew Peterson - Owner: Casey Frazier - Paving: Driveway(s) Close Existing, Driveway(s) New- Commercial # 277056
- 11) ANC 3C06 - **4000 WISCONSIN AVENUE NW** - Permittee: Upton Street Associates, LLC - Owner: Upton Street Associates, LLC - Fixture: Bike Rack(s): DDOT Standard, Bike Share Station, Trash Receptacle(s) (Exception), Wall

(Exception over 42"), Landscaping: New Tree Space(s), Tree Planting, Tree Removal, Paving: Curb & Gutter(s), Leadwalk w/Steps, Sidewalk(s), Projections: Bay Window(s), Canopy # 300217

12) ANC 3C07 - **3801 MASSACHUSETTS AVENUE NW** - Permittee: Kerley Signs, Inc. - Owner: - Fixture: Sign (w/footings)(Exception) # 300791

13) ANC 7F06 - **162 36TH STREET NE** - Permittee: Neary Ung - Owner: Neary Ung - Fixture: Fence to 42" (Open w/Brick Piers) # 301705

Additional

The PSC voted 4 to 0 to remove the following from the General Agenda to the Consent Agenda

14) ANC 6A08 – **1830 CONSTITUTION AVENUE NE** – Permittee: DCPS – Owner: - Paving: Leadwalk w/Steps #313145

General Agenda

9:25 am – 10:50 am

Approved with Modifications - Vote 4 to 0

1) ANC 6B, ANC 6B02 – **416 D STREET SE, 400 D STREET SE** - Permittee: Evergreen Ebenezer – Owner: Evergreen Ebenezer – Landscaping: Tree Removal, Paving: Driveway(s) New – Residential #275852

Discussion: At issue is a request to add a curb cut along the 400 block of D Street SE to assist the church with parking for its congregants. The ANC opposed the plan as presented, as well as residents immediately impacted. One resident received 71 signatures from residents opposed to the curb cut, while 16 neighbors were in support. Another issue was the removal of a streetlight and the loss of on-street parking spaces in an area where parking is limited. Concern for the curb cut was the distance from the fire hydrant and the intersection. According to residents, there have been several meetings about the project. It should be noted that the curb cut meets DDOT's standards for safety, design, and efficiency of the right of way.

The application was approved with the following modifications:

1. Before the permit is issued, DDOT needs to see a final parking plan with the following two changes: (1) The applicant must reduce the driveway width to 9 feet. (2) Relocate the driveway's line to 5 feet from the northern property line extended, in order to maintain the existing streetlight to the north of the curb cut.
2. If the redesign cannot accommodate the existing streetlight in the current condition, the applicant must return to the committee.
3. Three parking spaces must be made available for the tenants living in the Ebenezer Flats Development and this information must be filed in TOPS.

PSC took a break at 10:50 am – 11 am

11 am – 11:43 am

Tabled - Vote 5 to 0

2) 1 - 199 BLOCK OF VIRGINIA AVENUE SE - Permittee: ROBERT KRUGHOFF - Owner: Robert Krughoff - Fixture: Playground # 301669.

Discussion: This is a repeat application. The permittee appeared before the committee in May. The permittee is requesting that pickleball courts be placed on the concrete in Garfield Park. The pickleball court is 44 feet long, therefore, five courts can be placed there according to the permittee. At issue is whether the roadway on Garfield Park is open to the public as it leads to federal land owned by the Architect of the Capitol. DDOT views this as playground equipment being placed on an active roadway. DDOT has no objection with allowing a temporary use of the roadway as long as it doesn't impinge or restrict the department to return the roadway as a functioning roadway or for transportation purposes.

At issue is that DDOT cannot issue a permit to a person but only to an entity. That specific entity has certain duties, such as being the permit holder responsible for the use of the space; that takes liability; that indemnifies the District, that establishes the method and pattern on how the space is used; that identifies how it will allow the public to gain access to use the space; avoids issues with people from driving down the space etc.

The application was tabled until the following conditions are met:

It has been suggested that the permittee reaches out to the D.C. Department of Parks and Recreation to discuss the possibility of becoming the corporate entity. The permit application cannot move forward without having a corporate entity. The District's three-time pickleball champion, Robert Gordon—attending the committee meeting for an unrelated matter—offered his assistance to Mr. Krughoff who admitted he needed some hand-holding through the process. The application needs to be resubmitted significantly addressing the requirements the chairman mentioned or a new application be submitted from a corporate entity.

11:44 am – 12:22 pm

Table Application w/Recommendations for Next Steps Vote 5 to 0

- 3) ANC 2E, ANC 2E ANC 2E05,05,05 - **3286 M STREET NW, 3276 M STREET NW, 3222 M STREET NW** - Permittee: Georgetown BID - Owner: - Fixture: Bollard(s) (Exception) # 300300

Discussion: *The BID wishes to replace water-filled barrels for removable temporary bollards as part of its plan to create a more friendly retail environment in Georgetown, where more than 60 merchants have signed onto this. The request is for a permit to try 10 bollards to see if and how the concept works on a few weekends, and to ascertain if the bollards are received positively by the community. Permittees insist that this isn't a new request. They already have a permit for the barrels but they want to replace those with the bollards. At issue, there was no site plan with how the bollards will interact with the public as well as bike racks etc. Permittee asks for the permit to be stated as fewer than 60 days after the installation. Assuming PSC can find general support for the concept, they can render a decision to table the application on the following:*

- Application plan should be submitted to MPD and the review team of PSRD for review and comment on the location and operations of the bollards*
- Presentation to ANC 2E*
- Distribution to the Commission of Fine Arts, which should weigh in on the design of the bollards as well*
- Permit, if issued, would expire 60 days after installation*
- Delegating authority to the PSC chair to approve application pending fulfillment of the next steps or a return to the public space committee in July*

12:23 pm – 12:47 pm

Approve with Conditions

Vote 5 to 0

- 4) ANC 3G06 - **5600 CONNECTICUT AVENUE NW** - New Sidewalk Cafe Un-Enclosed - Permittee: Aaron Gordon - Aaron Gordon # 10598084

Application was tabled during the May 2018 hearing. Applicants were to take the application to the ANC, which has voted in support 5 to 0. Permittee proposed two sidewalk café: one on Connecticut with three tables and 12 seats, and one on McKinley with 44 seats. A concern at the time was the trash and where it'll go. ANCs were on board. There was one question at the ANC meeting about ADA ramps and how they work, but there's no objection.

Discussion: *Permittees showed where trash will go and how it'll be picked up seven days a week. Trash is being stored on private property. And they showed requirement on where the platform deck will be. Measurements were at 1 inch per lineal foot, it goes about 13 inches, which far exceeds requirements. Permittees clarified that lowest point of deck will be 2X6. Deck platform will be at the building base and it's at grade and then 18 feet above the sidewalk. ADA access can be easily provided on the deck. Slope of the sidewalk is a bit uncertain as it looks fairly level per Mr. Shaheen. The doorway is several inches above the sidewalk. If the deck is 18 inches at its highest point and you have a barrier on the street side at 36 inches, there's a fixture that's 4 1/2 feet. Height of the strings of lights and there are restrictions on how high a canopy can be as it's limited to 12 feet. The string of lights seem to go to 15 feet but the permittee confirms it's going to be just 11 feet from the sidewalk. Ms. Chamberlain inquired about landscaping. Permittees said they'll love to add more green space; there are planter boxes they plan to add to the spaces once they can fit. At grade landscaping will assist more with Stormwater and other issues. The Public Space Committee will like to incorporate the sidewalk café within the public space and using the landscaping will assist with that effort. Ms. Chamberlain made the motion.*

Permit is approved with the following conditions:

That the narrow is 50 percent open and that the landscape be done in the maximum extent possible for review and approval by DDOT's Planning and Sustainability Division.

Chairman Marcou departs and Chris Shaheen is the stand-in Chair

12:48 pm - 1:01 pm

Approved w/Conditions

Vote 3 to 0; 1 abstain

5) ANC 4A07 - 1434 LONGFELLOW STREET NW - Permittee: Edward Alexander - Owner: Edward Alexander - Fixture: Retaining Wall w/Open Fence Combo to 42" # 299250

Permittee says he hasn't been able to get application into TOPS. He made some revisions. He is seeking to construct a concrete fence with retaining wall. He said he heard he had to change the grade of his yard per the Sustainability Division.

Discussion: *Ms. Chamberlain says the example looks like a patio. Dirt will be added to assist with the sloping in the yard. Reviewers haven't seen the revised plan as the permittee couldn't get the plan loaded into TOPS. On the right side of the wall, it goes back six feet to the property. Neighbor to the right side of him is ok with it. There's no wall on the left hand side of the property as there is a neighbor who also wants to add in a continuation wall and is awaiting the permittee. Wall is only going to be on the sidewalk level and not into the ground. He'll still have to go over the cross line, a requirement for retaining walls. Changes were he was adding in a fill and not having a free standing wall and that was the concern of the reviewers. Permittee was advised that he can upload the revised plan into TOPS.*

Approved application on condition that the revised plan be uploaded to the TOPS site. Mr. Shaheen abstained.

1:02 pm – 1:57 pm

Approve Option 2 w/Condition —Vote 3-1

6) ANC 3G03 - 3012 MILITARY ROAD NW - Permittee: Sabri Eriksen - Owner: Sabri Eriksen - Paving: Driveway(s) New -Residential # 278822

Application for a curbside driveway. Was at the committee in April, and visited the ANC in March. Had several options for the driveway with a turnabout, which wasn't approved. Applicant has since revised the plan to a straight driveway with a small bend. Went in May to present option to ANC, which supported the application. His property is the only one on the block without off street parking. The alley in the back was rezoned and closed off about 15 years ago. There's speeding and volume on Military Road during rush hour from Nebraska to Utah and makes it difficult. The permittee says he has a safety concern not having off-street parking. It's only a matter of time before he's rear ended. Tried to address all the concerns by the various agencies. Applicant adds that there are many homes with driveways along the corridor—eastbound and westbound.

Discussion: *At the former PSC meeting, applicant was told to come to one option. Driveway has to be 9 feet. Aesthetically, he believes that taking out the concrete will make the area look better, using flexipave and other materials. ANC 3G Randy Speck said its original recommendation was to have a turn-around spot. If not, this will be the best alternative to have a driveway and off-street parking. The ANC voted 6-0 in support with no objection. Ms. Chamberlain said the turning radius seems a little wider than PSC will like it and from DDOT's position, the agency struggled with this application. Anne Renshaw who lives at 2910 Military Road NW said her reaction was not sought for this application. ANC omitted that previous owner said there would be no new curb cuts on the 3000 block of Military Road in 2014. Ms. Renshaw said the agreement from the previous owner was passed on to the current owner. ANC omitted other safety concerns listed, she said. Residents living on Military Road must follow compromises she said that come with living on the street.*

Public safety is the most critical part of this application. According to ANC Speck, however, he doesn't recall that the agreement covered new curb cuts and also, Mr. Eriksen wouldn't be bound by the old covenant. Ms. Renshaw said adding this one new driveway will lead to a ripple effect of putting more driveways on Military Road by all new owners. She's gotten a visual of what the neighborhood will look like, with construction equipment on the lawn. Applicant says his parking space will be behind the wall as one must have parking on the private property. His plan is to beautify the landscaping to add trees and grass, etc. Ms. Renshaw parks in the back of her home and rarely parks on Military Road except during the winter when the alley is inaccessible. Residents buying homes on Military Road should ask first about parking, she said. He can't have bushes higher than 42 inches as the area is considered parkland. From OP standpoint, it's not really out of the look of the neighborhood but two reviewers from DDOT had issues with the back out maneuver onto Military Road. They prefer the three-point turn. Applicant says there are trees both in the front of the house and in the back that could make the maneuver complicated. But he's willing to make whatever changes the committee wants for safety's sake. Ms. Hudson was concerned about a resident parking on Military Road, especially with construction that's along that corridor. Ms. Chamberlain said applicant should consider the landscaping to beautify the location and there must be traffic turnaround, which should create additional parking space. Motion by Mr. Shaheen.

Application is approved for option 2 (A-100-312) with conditions as the preferred option with the turnaround and that applicant is required to submit a landscaping plan that helps to maintain park-like nature of the area; and curb radius of the turn into the driveway are confirmed with the Office of Planning and PSD at DDOT. Turn around space could be used as a parking space. Ms. Chamberlain is still concerned about the turnaround space and voted against the motion.

1:58 pm - 2:22 pm

Approved with Conditions – Vote 4 to 0

- 7) ANC 4C04 - **1416 QUINCY STREET NW** - Permittee: Rich Markus - Owner: Rashid Salem - Excavation: Vault(s) L'XW', Fixture: Fence to 42" (Open Design), Projections: Areaway Entrance, Porch & Steps # 300168
- Discussion:** *Permit applicants want to elevate a porch with an ADA compliant lift. Permit applicants say a revised plan has been put into TOPS. Most recent plans, they say are June 6, and should be in TOPS. Most recent drawings Committee has are for January 26 and April 25, 2018. Stairs are regulated as part of the area way. Since it is new construction, there's no reason why it can't be designed to meet the standards for construction. The stairs are regulated as part of the areaway along the lower walkway about six feet from the building restriction line. The elevation of the map makes the street look rather level. The main steps project out about 10 feet. The main central stairs go to the center of the building, with multiple units, and the existing porch will be kept separate. There are 15 units, which are all affordable in the building. The permit applicants said they've appeared before the Commission of Fine Arts. The building is unique in that it doesn't have rear alley access. Trash pick-up is designed to be picked up at the building entrance but the question came up whether the design will be better designed if trash is picked up on the alley side instead. Quincy Street ends where the sidewalk ends from an urban design standpoint. Building restriction line appears to continue to the east based on the site plans. Due to the unusual configuration the main concern is how publicly the trash is stored. Motion made by Chris Shaheen.*

Application was approved with the two following conditions:

- *That the area way stairs be redesigned within the six feet limit in keeping with the construction code*
- *Trash storage area be redesigned to be configured toward the alley with appropriate landscaping and that the redesign will be approved by Office of Planning and the Office of Sustainability Division. The plan reviewed is the one dated Jan. 26, 2018.*

2:23 pm - 2:51 pm

Denied

Vote 4 to 0

- 8) ANC 3D01 - **4537 LOWELL STREET NW** - Permittee: Dave Bloom - Owner: Matt Shkor - Paving: Curb & Gutter(s), Driveway(s) New -Residential # 301487

***Discussion:** Applicant visited ANC, which supported the curb cut placement from 10 feet to 9 feet. Current curb cut is shared between 4537 and 4533 Lowell Street. There's no parking space between the two homes. The driveway is between both properties and leads to a dead-end side yard but no parking in the back. Seems from the plan as if the driveway goes all the way back, according to Mr. Shaheen. Shared driveway and application hopes to maintain that and introduce new curb cut going into a new garage. New curb cut is proposed to be about 26 feet from the existing curb cut. Question on why can't the current existing driveway be used to access the two driveways. The ANC doesn't want parking in the back yard, and the question is why can't the current curb cut be used to access the two driveways? Mr. Shaheen said it's hard to support an application for an additional curb cut when there's one that already leads to a shared driveway without understanding why both homes can't access the parking with the one driveway. Committee will like to know more about the ANC's objection but the Committee isn't sure how the ANC will weigh in on that. Urban Forestry had some objections about the distance of the tree. Questions about where the driveway goes to and concern about adding another curb cut to a property which has access to a driveway already. Parking should be in the rear of the property and there's concern about the second curb cut. There should be a way to design it by using the current configuration. Lots of objections and questions on top of that. Motion by Mr. Wiley. If there's substantially new information, the committee can reconsider the application again.*

The application was denied.

2:52 pm - 3:21 pm

Denied application as Proposed Vote 4 to 0

- 9) ANC 3E04 - **4931 41ST STREET NW** - Permittee: Eric Saul - Owner: Heather Rothman - Paving: Leadwalk w/Steps, Projections: Porch & Steps # 300188

Permittees wanted to build a porch on their home to enjoy better neighborhood experience with community. It's a skinny lot and the way the setbacks have been done, instead of 40 percent, the house is taking up less than 23 percent but permittees think a porch should be able to fit there where it won't impede the sidewalk and the public space. The request is for 7 feet with approval from the Zoning Commission. They're requesting two feet additional over the regular 5 feet.

***Discussion:** Since this is corner lot, it'll make it more difficult than if it was an interior lot. The practicality of a 5-foot porch versus a 7-foot porch makes a difference in space according to the builder. However, the 5-foot limit has been the city's limit since the 1800s. And people generally move their homes 2 feet back from the property line to get that 7 feet. All the District regulations protect the green parklands and there are limits on what can be done. But, Mr. Shaheen asks why the porch cannot be built on Fessenden Street where the house is pulled back from the building restriction lines, rather than on 41st Street. It's hard pressed to give the extra two feet on 41st Street especially since there's more of an unlimited width on Fessenden. From a code standpoint, this is what the city restrictions will allow. The home is over the building restriction line; however, an alternative exists to build the porch on Fessenden Street NW. Up to 25 building restrictions in the right of way are allowed in the District. Motion made by Ms. Chamberlain.*

3:24 pm - 4:17 pm

Table Application with Conditions to be Addressed *Vote 4 to 0*

10)

ANC 6E05 – **901 5TH STREET NW** - Permittee: TPC 5th and I Partners LLC – Owner: TPC 5th and I Partners LLC – Fixture: Bench(es), Bike Rack(s): DDOT Standard, Hand Rail (36” high for ADA, 30 “-42” high other), Knee Wall to 30,” Planter Box behind Sidewalk to 42,” Landscaping: Tree Planting, Tree Removal: Curb and Gutter(s), Driveway(s) Close Existing Lay-by (new) Sidewalk(s) #300222

Permittees desire to add greenery, shrubs to the area and improve the streetscape to make it a vibrant pedestrian space for a streetscape plan on 5th Street NW. They presented the design to ANC 6E.

Discussion: Ms. Chamberlain said there were a lot of comments by the reviewers. A tree should be there if the planter box is there. Question on whether the three bike racks need zoning as there was no paperwork or confirmation to the effect. None of the racks are near entrances and bike racks need to be closer to the entrances, even if not right at the front, they need to be closer to the entrances. For 24 hour parking in front a hotel, there’s no need for additional curbs and on Eye Street, there is no support for this as there’s a curbside drop off in that area. Some issues include relocating the bike racks, the marquee on Fifth Street should be reduced, the curbside drop off and working with an ADA specialist for the access to the hotel. Mr. Shaheen supports the concerns of items raised. It’s a mixed block when it comes to the treatment. The way the project is shown, it seems to be like an extension of the sidewalk. This seems intentionally designed for outdoor seating and not for other generic uses. Regs are if it’s ground floor commercial use, sidewalk goes all the way to the building. Applying for streetscape plan and not the sidewalk café.

Permittees need to make an adjustment to the application, which has been tabled with the following conditions.

- *Relocate bike racks closer to residential and hotel entrances*
- *Remove “labi” on Eye Street and replace with curb side drop off and work with ADA specialist to identify access*
- *Add five-foot awning to the application*
- *Marquee reduced to five feet*
- *Lower raised patio*
- *Proposed paving on Eye Street*
- *Add a street tree on 5th Street and street trees on Eye Street NW*
- *Planters on 5th Street should be added to the application*

The meeting was adjourned at 4:17 by Chris Shaheen, standing in as Chair of the Public Space Committee